

ORIGINAL

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

TOZ-8019

STIPULATED AGREEMENT

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission, hereinafter referred to as the "Commission", The Burlington Northern and Santa Fe Railroad Company, hereinafter referred to as the "Company", the Township of Tompkins in Warren County, hereinafter referred to as the "Township", and the State of Illinois, Department of Transportation, hereinafter referred to as the "Department".

WITNESSETH:

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the crossing of The Burlington Northern and Santa Fe Railroad Company's track with a public highway known as TR-62, near Ponemah, Warren County, Illinois designated as crossing AAR/DOT # 004 704X, Milepost 196.33-M.; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a staff member of the Commission's Transportation Division, Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and all other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvement upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvement be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 The improvement encompassed by this agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and Orders and

procedures in general.

Section 2 The parties are of the opinion that the proper improvement in the interest of public safety at the aforesaid crossing should be:

- a) the Company should install new automatic flashing light signals and short arm gates controlled by constant warning time circuitry;

Section 3 The Company has prepared a preliminary estimate of cost which is attached as Exhibit B, to accomplish the proposed improvement which it may be required to perform; The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost, and any required specifications for the proposed improvement for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvement, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be one hundred twenty (120) days, for the submission of progress reports should be six (6) months and for the completion of the proposed improvement should be twelve (12) months, from the date of Commission Order subsequent to this agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvement should be:

- a) The cost to install automatic flashing light signals and gates estimated at \$145,353, should be allocated 70 % of the actual project cost to the Department, utilizing federal funding under TEA-21, (not to exceed \$101,747); 30 % to the Grade Crossing Protection Fund (Fund) (not to exceed \$43,606), with the Company bearing any remaining cost after payment from TEA-21 and the Fund, as well as all future operation and maintenance cost thereof;

Section 6 Special Provisions: Since federal funding is being utilized for the warning device improvement at the subject crossing, all such work shall be covered by appropriate provisions of Title 23, Chapter I, Subchapter G, Part 646 of the Federal-Aid Policy Guide adopted Dec. 9, 1991.

Since the warning device improvement at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Company shall at six (6) month intervals from the date of Commission Order issued subsequent to this Agreement until the project is completed, file a written report with the Director of Processing and Information, Transportation Division of the

Commission, stating the status of expenditures of the project and the percentage of completion of the project. If the project is behind schedule the report must include a brief explanation of the reason(s) for the delay.

All bills for expenditures authorized to be reimbursed from the Grade Crossing Protection Fund shall be submitted to Mr. Henry Cronister, Bureau of Local Roads and Streets, Illinois Department of Transportation at 2300 South Dirksen Parkway, Room 205, Springfield, Illinois, 62764. The Department shall send a copy of each bill received to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted to the Department and Commission no later than twenty-four (24) months from the date of Commission Order subsequent to this agreement. Authorization for reimbursement from the Grade Crossing Protection Fund shall expire twelve (12) months after the completion date specified in the Order. The Department shall, at the end of the 24th month from the Commission's Order date, de-obligate all residual funds accountable for installation costs for this project.

The Company shall at six (6) month intervals from the date of Commission's Order subsequent to this Agreement, submit written reports to the Director of Processing and Information, Transportation Division of the Commission, stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number and facsimile number of the Company employee responsible for management of the project.

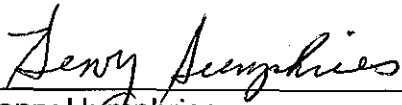
In Witness Whereof, the parties have caused this agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this 15th day of February, 2002.



Michael E. Stead
Railroad Safety Program Administrator

Attest:



Henry Humphries,
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 990 concerning improvements at the TR-62 grade crossing of The Burlington Northern and Santa Fe Railroad Company tracks, near Ponemah, Warren County, Illinois designated as crossing AAR/DOT # 004 704X, Milepost 196.33-M.

Executed by the Company this 19TH day of February 2002.

THE BURLINGTON NORTHERN AND
SANTA FE RAILROAD COMPANY

By:

Cheryl J. Martin

Attest:

C. J. Martin

Illinois Commerce Commission Stipulated Agreement No. 990 concerning improvements at the TR-62 grade crossing of The Burlington Northern and Santa Fe Railroad Company tracks, near Ponemah, Warren County, Illinois designated as crossing AAR/DOT # 004 704X, Milepost 196.33-M.

Executed by the Township this 22 day of Feb. 2002.

TOMPKINS TOWNSHIP, WARREN
COUNTY

By: Jim Dutton

Attest:

Paul Larkin
Acting WARREN Co. Engr.

Illinois Commerce Commission Stipulated Agreement No. 990 concerning improvements at the TR-62 grade crossing of The Burlington Northern and Santa Fe Railroad Company tracks, near Ponemah, Warren County, Illinois designated as crossing AAR/DOT # 004 704X, Milepost 196.33-M.

Executed by the Department this 28th day of February 2002.

STATE OF ILLINOIS

DEPARTMENT OF TRANSPORTATION

By:

James G. Carter
Director of Highways

STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION
STIPULATED AGREEMENT SURVEY FORM

RR/Line BNSF Milepost 196.33-M Inventory # 004 704X
City (N) Ponemah Street TR-62 County Warren
Jurisdiction Twp. Urban Rural X Commercial Residential
Street Surface Oil/Chip Width 16' Condition Fair
Angle 55° Tracks Tangent Yes Degree of Curve -- Superelevation -
Depth of Cut ----- Height of Fill <2'

Crossing Surface

Track Centers	Elevation	Track	Type	Width	Condition
		<u>Main</u>	<u>FDT</u>	<u>32'</u>	<u>Fair>Poor</u>
<u>14' -6"</u>	<u>Level</u>	<u>Pass</u>	<u>FDT</u>	<u>32'</u>	<u>Fair>Poor</u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>
<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>	<u> </u>

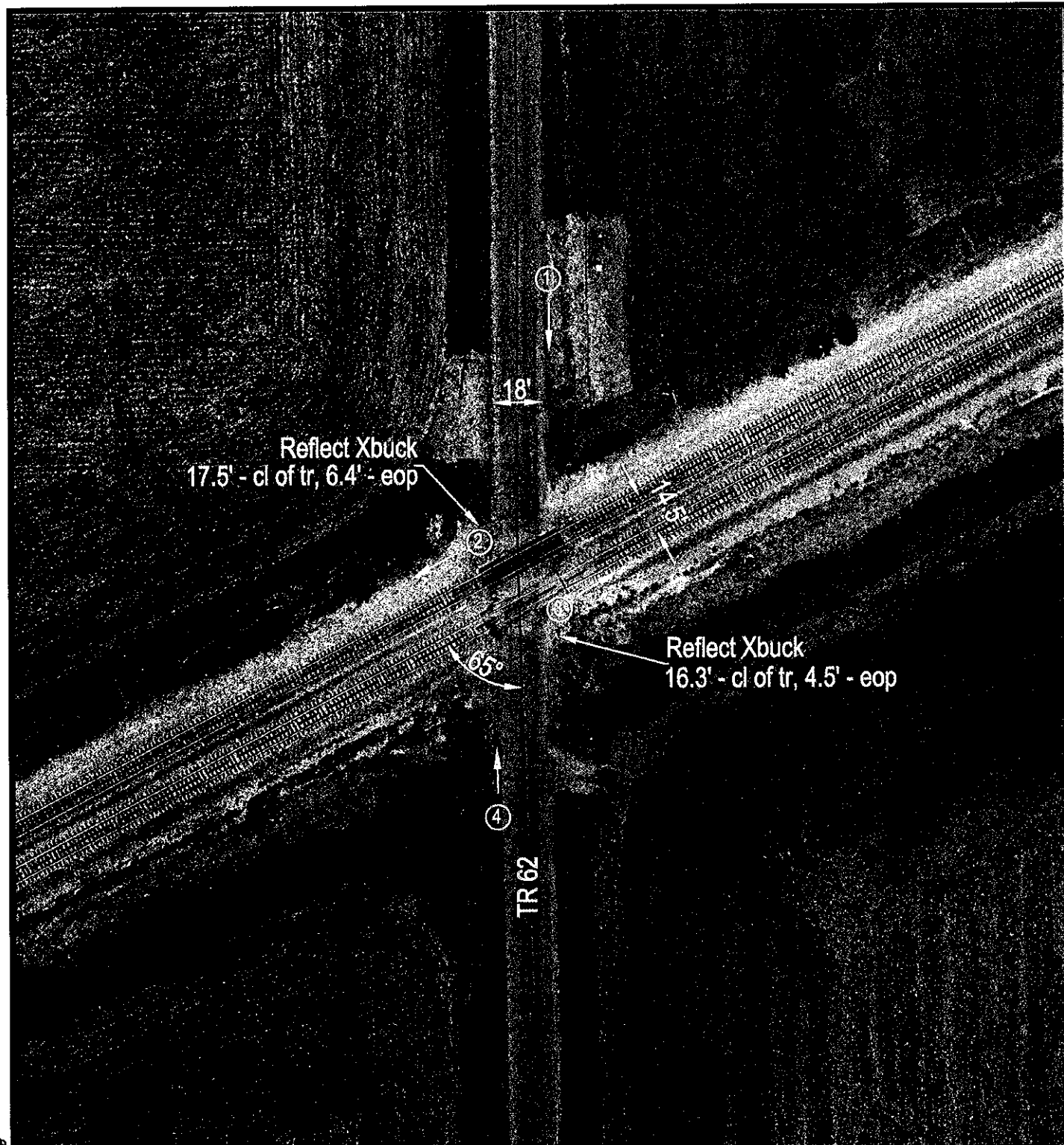
Intersecting Roads 100' Field Ent. 200' Field
Traffic Control Devices Present None
ADT 75 Speed unposted Statewide Yes
Schoolbuses Poss. Hazardous Materials Poss. Other
Rail Traffic: Ft. 75 @ 70 mph Pass. 2 @ 79 mph Switch Poss.
Simultaneous Movements Yes Daylight and Dark Yes
Present Protection Crossbucks

Advance Warning Signs Yes Pavement Marking No

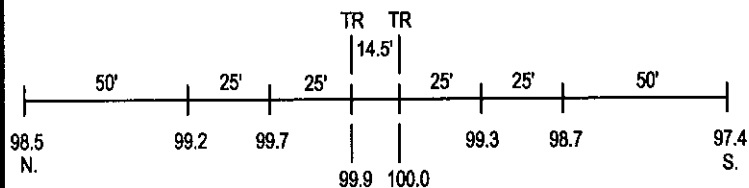
Quad	Clearing Visibility	Obstruction	Stopping Visibility	Obstruction
NE	Ok		100'	Crops
NW	Ok		Ok	
SE	Ok		Ok	
SW	Ok		Ok	

North	<u>Meets</u>	,	<u>92</u>	%	<u>Ill.</u>	,	<u>Adm.</u>	%	<u>Code</u>	,	<u>1535</u>	%
South	<u>"</u>	,	<u>"</u>	%	<u>"</u>	,	<u>"</u>	%	<u>"</u>	,	<u>"</u>	%

[illegible]



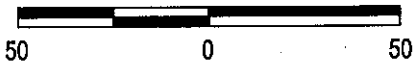
4 | WARREN\004704X\004704X.DWG 03/07/01 08:24 B.L.B



ROAD PROFILE



SCALE IN FEET



③ Photo Location

Crossing #: 004704X
 Location: Warren Co., City of Kirkwood (N)
 Lat/Long: 40°49'32" / 90°41'30"
 Railroad: BNSF
 Street: TR 62
 Railroad Milepost: 196.33
 Crossing Protection: Signs

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

LOCATION	: KIRKWOOD	LINE SEGMENT	: 7000	APE NUMBER	:
PLANITEM NUMBER	: PSI004704X	MILEPOST	: 0196.32	RFA NUMBER	:
PROPERTY OF	: BNSF RAILWAY COMPANY	DIVISION	: CH	CPAR NUMBER	:
OPERATED BY	: BNSF RAILWAY COMPANY	SUBDIVISION	: CHILLICOTHE	BUDGET YEAR	: 2002
JOINT FACILITY	: STATE OF ILLINOIS	TRACK TYPE	: 2	BUDGET CLASS	: 10
% BILLABLE (+/-)	: 100.00	TAX STATE	: IL COUNTY: WARREN	REPORTING OFFICE	: 456
REQUESTER ID	: XXXX - SYSTEMWIDE DEFAULT	MATL DATE	:	SPONSOR	: VP ENGIN
PROJECT TYPE	: SGX	LOCATION CODE	: 381010	DEPT CODE	: MOWGH
DOT NUMBER	: 004704X			DERAILMENT CODE	:

EXHIBIT B
PAGE 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

SIGNAL COST TO INSTALL A NEW CROSSING WITH GATES, FLASHERS & CONSTANT WARNING CIRCUITRY AT TR 62 DOT 004704X NEAR KIRKWOOD, IL L/S 7000 MP 196.32 ON THE CHICAGO DIV.....CHILLICOTHE SUBDIV.

THE MATERIAL LIST BELOW REFLECTS TYPICAL REPRESENTIVE PACKAGES USED FOR ESTIMATING PURPOSE ONLY.

THEY CAN BE EXPECTED TO CHANGE AFTER THE ENGINEERING PROCESS, DETAILED AND ACCURATE MATERIAL LISTS WILL BE FURNISHED WHEN ENGINEERING IS COMPLETED.

CONTINUING CONTRACTS HAVE BEEN ESTABLISHED FOR PORTIONS OF SIGNAL WORK ON THE BNSF RAILROAD.

THIS ESTIMATE GOOD FOR 90 DAYS. THEREAFTER THE ESTIMATE IS SUBJECT TO CHANGE IN COST FOR MATERIAL, LABOR, AND OVERHEADS.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT 100%.

MAINTAIN PROPRIETARY CONFIDENTIALITY

***** NOTE **** NOTE ***** FOR INTERNAL USE ONLY ***** NOTE **** NOTE *****

	CASH	CAPITAL	NONCASH	CAPITAL	OPERATING	EXP	REMOVAL	COST	BILLABLE	TOTALS
LABOR COSTS	0	0	0	0	0	0	0	0	48,815	48,815
MATERIAL COSTS	0	0	0	0	0	0	0	0	70,337	70,337
OTHER COSTS	0	0	0	0	0	0	0	0	26,201	26,201
TOTALS	0	0	0	0	0	0	0	0	145,353	145,353

ENGINEERING SERVICES - KANSAS CITY
ESTIMATE REF. NUMBER : PSI004704X - 1--2S
COSTING DATE : 02/04/2002

PRINTED ON : 02/04/2002
ESTIMATED BY : POOR
PRINTED BY : POOR

ACCT	CST	RSN	PPE	DESCRIPTION	QTY/ST	OT U/M	CASH	NONCASH	OPER	REMOVAL
8		400	9911	SIGNAL FIELD LABOR	728.00	0.0 MH	17,372			
* LABOR SUBTOTAL							17,372	0	0	0
1120	319	400	9911	BATTERY	1.0	EA N	5,060			
1120	319	400	9911	BUNGALOW 6X6	1.0	EA N	5,421			
1120	319	400	9911	BUNGALOW MATERIAL	1.0	LS N	6,466			
1120	319	400	9911	CABLE	1.0	EA N	1,822			
1120	319	400	9911	CHARGERS	1.0	LS N	904			
1120	319	400	9911	ELECTRICAL MTRL	1.0	EA N	450			
1120	319	400	9911	FIELD MATERIAL	1.0	LS N	6,883			
1120	319	400	9911	GATE KEEPER	2.0	EA N	3,512			
1120	319	400	9911	GATE MECH. MODEL 95 COMPLETE	2.0	EA N	10,110			
1120	319	400	9911	HXP3R2 SYSTEM	1.0	EA N	18,713			
1120	319	400	9911	MISC. MATERIAL	1.0	EA N	2,500			
1120	319	400	9911	RTU-6, CELLULAR MONITOR	1.0	EA N	1,818			
1120	319	400	9911	VIGILANT RECORDER	1.0	EA N	1,684			
* MATERIAL SUBTOTAL							65,343	0	0	0
1120	790	400	9911	AC POWER SERVICE	1.0	EA	750			
1120	367	400	9911	CONTRACT ENGR.	1.0	EA N	6,000			
1120	790	400	9911	FILL DIRT	100.0	CY N	2,500			
1120	434	400	9911	MACHINE RENTAL	1.0	LS N	2,704			
1120	790	400	9911	SURFACE ROCK	15.0	CY N	375			
* OTHER SUBTOTAL							12,329	0	0	0
* ADDITIVES							11,691			
PAYROLL ASSOCIATED COSTS							3,752			
EQUIPMENT EXPENSES							8,963			
DA LABOR OVERHEADS							2,744			
INSURANCE EXPENSES							4,178			
USE TAX							816			
OFFLINE TRANSPORTATION										
* GANG TOTAL							127,188	0	0	0
8		400	9911	SIGNAL SHOP LABOR	80.00	0.0 MH	1,676			
* LABOR SUBTOTAL							1,676	0	0	0
* ADDITIVES							1,127			
PAYROLL ASSOCIATED COSTS							362			
EQUIPMENT EXPENSES							864			
DA LABOR OVERHEADS							264			
INSURANCE EXPENSES										
* GANG TOTAL							4,293	0	0	0
PROJECT SUBTOTAL							131,481	0	0	0
CONTINGENCIES							13,148	0	0	0
BILL PREPARATION FEE							724	0	0	0
PROJECT GROSS COST							145,353	0	0	0
LESS COST PAID BY OTHERS							145,353	0	0	0
PROJECT NET COST							0	0	0	0

EXHIBIT B
PAGE 2

THE B. N. S. F. RAILWAY COMPANY
FHPM ESTIMATE FOR
STATE OF ILLINOIS

LOCATION:- KIRKWOOD DETAILS OF ESTIMATE PLAN ITEM: PS1004704X VERSION: 1

PURPOSE, JUSTIFICATION AND DESCRIPTION

SIGNAL COST TO INSTALL A NEW CROSSING WITH GATES, FLASHERS & CONSTANT WARNING CIRCUITRY AT
TR 62 DOT 004704X NEAR KIRKWOOD, IL L/S 7000 MP 196.32 ON THE CHICAGO
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EXHIBIT B
PAGE 3

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MATERIAL, LABOR, AND OVERHEADS.

***** SIGNAL WORK ONLY *****

THE STATE OF ILLINOIS IS FUNDING THIS PROJECT 100%.

MAINTAIN PROPRIETARY CONFIDENTIALITY

DESCRIPTION	QUANTITY	U/M	COST	TOTAL \$

LABOR				

SIGNAL FIELD LABOR	728.00	MH	17,372	
SIGNAL SHOP LABOR	80.00	MH	1,676	
PAYROLL ASSOCIATED COSTS			12,818	
EQUIPMENT EXPENSES			4,114	
DA LABOR OVERHEADS			9,827	
INSURANCE EXPENSES			3,008	
TOTAL LABOR COST			48,815	48,815

MATERIAL				

BATTERY	1.00	EA N	5,060	
BUNGALOW 6X6	1.00	EA N	5,421	
BUNGALOW MATERIAL	1.00	LS N	6,466	
CABLE	1.00	EA N	1,822	
CHARGERS	1.00	LS N	904	
ELECTRICAL MTRL	1.00	EA N	450	
FIELD MATERIAL	1.00	LS N	6,883	
GATE KEEPER	2.00	EA N	3,512	
GATE MECH. MODEL 95 COMPLETE	2.00	EA N	10,110	
HXP3R2 SYSTEM	1.00	EA N	18,713	
MISC. MATERIAL	1.00	EA N	2,500	
RTU-6, CELLULAR MONITOR	1.00	EA N	1,818	
VIGILANT RECORDER	1.00	EA N	1,684	
USE TAX			4,178	
OFFLINE TRANSPORTATION			816	
TOTAL MATERIAL COST			70,337	70,337

OTHER				

AC POWER SERVICE	1.00	EA	750	
CONTRACT ENGR.	1.00	EA N	6,000	
FILL DIRT	100.00	CY N	2,500	
MACHINE RENTAL	1.00	LS N	2,704	
SURFACE ROCK	15.00	CY N	375	
TOTAL OTHER ITEMS COST			12,329	12,329
PROJECT SUBTOTAL				131,481
CONTINGENCIES				13,148

BILL PREPARATION FEE
GROSS PROJECT COST
LESS COST PAID BY BNSF
TOTAL BILLABLE COST

724

145,353
0

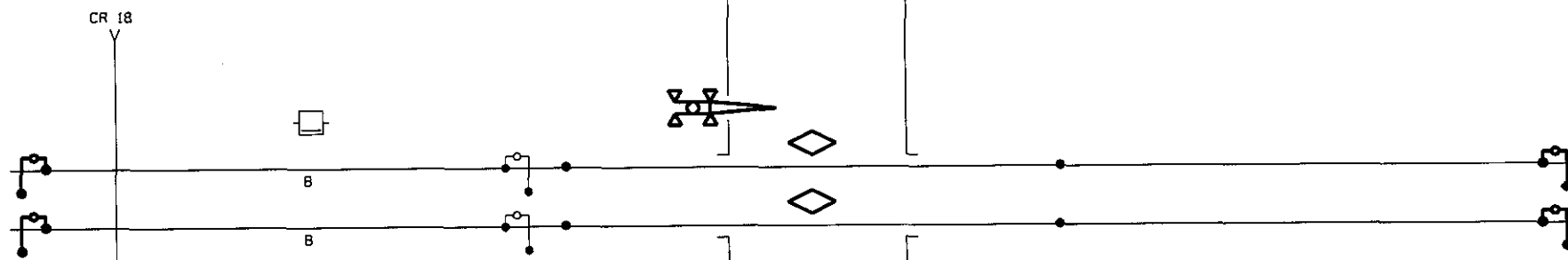
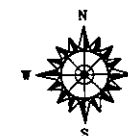
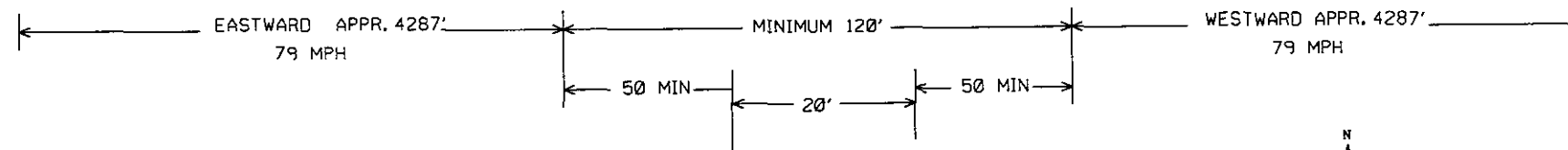
145,353
=====

EXHIBIT B
PAGE 4

TO FORT MADISON

The Burlington Northern & Santa Fe Railway Company

TO CHICAGO



INSTALL: GATES & FLS
CONTROL DEVICES: CONSTANT WARNING

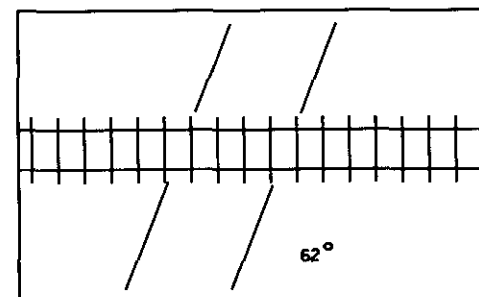
BOLD- IN

~~SLASH~~ OUT

SALVAGE: NONE



TR 62
DOT# 004 704 X



- INSTRUMENT HOUSE
- BELL
- METER
- CROSSING CONTROL CONNECTIONS
- UNIDIRECTIONAL CROSSING CONTROL
- BIDIRECTIONAL CROSSING CONTROL
- COUPLER OR TERMINATION
- GUARD RAIL

Warning device placement:

Clearance to C.L. Track = Min. 12', Max. 20'
Edge of Road to C.L. Foundation:

Min. 4'1" with curb,
Min. 8'1" without curb,
Max. 12'

House Clearance: 25' Min. to C.L. of Track
30' Min. to Edge of Road

Front Lights: 30-15 Degree Lenses

Back and Side Lights: 70 Degree Lenses

Canilever Jury Mast: 20-32 Degree Lenses

BNSF RAILWAY CO.

KIRKWOOD, IL.

TR 62

LS 7000 CHILLICOTHE SUBDIVISION

MP.196.32 CHICAGO DIVISION

DOT# 004 704 X

KANSAS CITY

NO SCALE

DATE: 02/04/02

FILE: 7000196.32.DGN

MCR/TLF